

Mitigation Measures from DEIR 564 Not Included

None.

Effects not Mitigated to a Level of Insignificance

None.

ATTACHMENT 4a

STATEMENT OF FACTS AND FINDINGS

**CEQA STATEMENT OF FINDINGS AND FACTS
JAMES A. MUSICK JAIL EXPANSION AND OPERATION,
SHERIFF'S SOUTHEAST STATION, INTERIM CARE FACILITY
ENVIRONMENTAL IMPACT REPORT 564**

**ORANGE COUNTY BOARD OF SUPERVISORS
October 20, 1998**

1. Introduction

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines ("Guidelines") provide that:

"No public agency shall approve or carry out a project for which an Environmental Impact Report has been completed and which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." (CEQA Guidelines §15091)

Because the EIR identified significant effects which, without the adopted mitigation measures, may result as a consequence of the project, and in accordance with the provisions of the Guidelines, the Board of Supervisors ("Board") hereby adopts these findings as part of the approval of the Project.

The County of Orange has prepared a Draft EIR for the proposed Project in accordance with CEQA and CEQA Guidelines requirements. As mandated by County procedures, the EIR was subject to review for adequacy and recommendation to the Board as the certification by the County Planning Commission.

It is not considered reasonable, required or feasible for the Board to recite every single detail forming the basis for its findings herein, since the voluminous record, incorporated herein by reference and made publicly available, contains the substantial evidence explaining the facts in support. The Board considers this incorporation approach justified, especially in light of the fact that the County of Orange has responded in writing to oral and written comments raising environmental issues and has made this information widely available. Where appropriate and helpful to understanding the basis of the Board's recommended findings herein, the Board has mentioned certain aspects of the record arising from public input.

2. Description of the Project Analyzed in Proposed FEIR 564

The project described in the proposed Final EIR and for which this Board finds the EIR adequate, consists of three components:

- 1) The expansion and operation of a jail at the 100 ±-acre James A. Musick Jail Facility accommodating an absolute maximum of 7,584 inmates at all classification levels, with temporary accommodations of 384 more inmates in response to emergency conditions of 60 days or less, together with accessory parking structures, warehouse buildings and other facilities, all as set forth in detail in the proposed Final EIR 564. Access for all purposes but delivery to be from Alton Parkway;
- 2) The establishment of a Southeast Sheriff's Station on the site in advance of the occupancy of the first new jail building described within this project, consisting of approximately 20,000 square feet and approximately 218 personnel, with access taken from Bake Parkway;
- 3) A 24-bed Interim Care Facility, with access taken from Bake Parkway, to offer mental health treatment to severely disturbed adolescents on a 24-hour basis.

The phasing of construction is as set forth on pp. 50-52 of the proposed Final EIR.

All operational aspects for the jail and the Southeast Sheriff's Station are administered by the Orange County Sheriff-Coroner, who makes separate findings. The Interim Care Facility, if established at the site, is under the ultimate authority of the Board, and therefore, these findings are made for that facility herein.

3. Alternatives

DEIR 564 addresses the proposed project and 28 alternatives to this project. The alternatives examined in the EIR include:

- (1) No project alternative.
- (2) Pursuit of legislative change to exempt from CEQA consideration the expansion of all jail facilities in overcrowded systems.
- (3) Management Systems approach to relieve jail overcrowding.
- (4) Delay decision on jail expansion until new long-term jail study is drafted, a site is approved and design work is initiated by the Board of Supervisors.

- (5) Private jail.
- (6) Reduce size of Musick Jail facility to accommodate only that number of inmates necessary to serve the area within 10 miles of the geographic center of South Orange County.
- (7) 1994-95 Grand Jury final report alternative — 3,000 jail beds in Santa Ana and 3,000 jail beds at Musick.
- (8) Limit expansion of Musick Jail to Complex 1 and supporting facilities.
- (9) Establishment of 7,500+ beds at the Musick Jail in high-rise buildings.
- (10) Limitation of classification of inmates; minimum and medium security inmates; a cap on maximum security inmates.
- (11) Release of maximum security inmates at the Intake and Release Center in Santa Ana.
- (12) Alternative sites within the County (four alternatives discussed).
- (13) Remote sites outside of Orange County.
- (14) Alternatives rejected as infeasible during the Draft EIR preparation process.

Twenty-eight project alternatives were presented in the EIR. The Board of Supervisors has reviewed and considered such alternatives in light of the adverse environmental effects which may result from the project and the reduction or elimination of such effects which might be accomplished by selection of one of the alternatives, as well as adverse effects brought about by the project alternatives which are not brought about by the project as proposed.

Each alternative is summarized below and the specific social, economic, technological, legal or other considerations that are considered to render such alternatives infeasible are set forth. The discussions below are intended to summarize and not fully restate the evidence contained in the Draft EIR, Response to Comments, and the administrative record as a whole.

PROJECT ALTERNATIVES:

No Project Alternative

The No Project Alternative assumes that the County Board of Supervisors would take no action with respect to expanding jail beds. This alternative is rejected as infeasible due to the serious capacity shortfalls projected for even the near-term (1996) and the fact that substantial early releases are taking place in the jail system. The presence of a court order against overcrowding, combined with the limited room in the jail facilities and the fact that neither the Board of Supervisors nor the Sheriff can control the manner in which the inmates are incarcerated (including federal or state laws which increase pressures on the system as explained in the EIR) provide the basis for rejection of this alternative.

Pursuit of Legislative Change to Exempt from CEQA Consideration Expansion of all Jail Facilities in Overcrowded Systems

Pursuit of such a legislative change would greatly accelerate the process of bringing jails on-line. Expedited achievement of such goals has been amply demonstrated in the state prison system, where exemptions from CEQA have allowed facilities to be brought on-line much more quickly than they would have been without the lengthy compliance with the CEQA process and inevitable litigation. This process could be pursued again. It is unknown at this time what the prospects for success in the legislature of such a proposal might be. Recent amendments to CEQA which are perceived as tending to eliminate or greatly lessen CEQA have met with staunch opposition. Nonetheless, such statutory opportunities would greatly enhance the ability to bring jails on-line in Orange County, provided funds could be found. Even in an atmosphere of limited funding, savings of a substantial amount could be made by eliminating the CEQA process from the jail and applying those funds to the actual jail construction. Therefore, this alternative is not expressly rejected at this time, but is unnecessary to adopt, in that it is more likely a part of an overall strategy for the jail expansions as opposed to a realistic alternative to this project. At this time, this alternative can be rejected on the basis of legal impossibility.

Management Systems Approach to Relieving Jail Overcrowding

The 1992 Short-Term Jail Solutions Report provided several options for maximizing the utilization of jail beds in the Orange County jail system. These included home confinements, video arraignments and similar features that would not require that the inmate be kept in the jail system for a lengthy period of time. Federal court order (*Stewart v. Gates*) requires that an inmate be provided a bed within 24 hours of booking. If the inmate can be assigned to an appropriate non-jail solution during that period of time, the demand for that bed will not be present.

Financing problems have impeded the ability to fully attain these management goals. These management system approaches must be locally financed, as opposed to seeking funds from the state (such as the Board of Corrections). The proliferation of municipalities and in corporations in Orange County, combined with loss of state subventions, the County bankruptcy and growing imposition on the County of Orange of state or federal priorities (welfare, healthcare, immigration) has greatly strained County funding sources. As a result, most of the management systems that have been proposed have not been fully implemented.

However, even if these systems were implemented, they would have only a small beneficial effect on the actual shortfall. The projected minimum shortfall is 3,946 beds in 1996. Only non-violent misdemeanants can utilize the "management approaches," except for video arrangements (which are at the option of the defendant and the courts). The maximum number of beds by 2006 that can be avoided assuming all of these systems are used is about 1,154 or 11% of the demand necessary. Also, this alternative does not provide any maximum security inmate beds, a key need. For these reasons, this alternative is rejected in view of the fact that the vast majority of its salutary features have already been implemented, or are barred by state law.

Delay Decision on Near-Term Jail Until Long-Term Jail Study is Drafted, a Site is Approved and Design Work is Initiated by the Board of Supervisors

This alternative would involve the complete cessation of all work on the expansion jail facility at any location until such time as a long-term jail was found. At the time a long-term jail site was found, environmentally documented and survived litigation, the need to enlarge the now existing jails to accommodate increases would be re-evaluated.

This alternative is infeasible as a substitute for the proposed project due to the dramatic pressure on the current jail system. Such studies have been undertaken before, but rejected due to significant acquisition costs. There is limited or no funding available for a large undertaking such as a long-term jail in the foreseeable future. However, the Board of

Corrections frequently makes funding available for smaller jail proposals, such as individual cells buildings. The ability to use these funds largely depends on the readiness to start work — i.e., that all environmental documentation has been completed, is not in litigation or litigation is resolved, and the like. A delay would be a significant obstacle to the County's ability to be awarded such funds. Therefore, this alternative is considered to be infeasible due to the crisis-level demand the jail system is currently experiencing. For these reasons, this alternative is rejected. However, since, if approved, the proposed project would only satisfy needs through 2006 and these needs will continue to grow, a study such as this can be commenced for future jail expansion beyond 2006.

Private Jail

At this time, whether or not this alternative is feasible, it is currently not permitted by law. This alternative would require an in-depth study evaluating many issues, as well as changing the current laws regarding the operation of county jails, prior to pursuing a private jail in Orange County. Furthermore, a private jail would still have to comply with CEQA, and not knowing what specific location would be proposed, it is not possible to determine if controversy would make a private jail site more or less feasible than the proposed project, or further reduce environmental effects. For these reasons, the privatization alternative is rejected as infeasible.

Reduce Size of Musick Jail Facility to Accommodate Only that Number of Inmates Necessary to Serve the Area within Ten Miles of Geographic Center of Orange County

This alternative reduces the size of the jail to approximately 2,800 beds based on 1995 statistics. As Southern Orange County grows, the number of beds would be increased substantially, as Southern Orange County is expected to grow from about half a million persons to 1.1 million persons by the year 2015.

This alternative is rejected as infeasible due to the fact that it will not provide for as rapid an expansion of the jail system as is needed, and has minor difficulties in the fact that since the minimum security facility would remain, fill dirt necessary for the construction of Alton Parkway would not be available from this source. In addition, Musick Road would increase in traffic due to the absence of Alton Parkway as an access; however, this is a near-term phenomenon.

Although this alternative would reduce impacts in terms of traffic, traffic is not considered a significant impact in any event, and this alternative is rejected as both infeasible and incapable of reducing impacts or meeting the project objective of providing enough beds so inmates will not have to be sited and released, or released early prior to the expiration of

their court-imposed sentences.

1994-95 Grand Jury Final Report Alternative — 3,000 Beds at Santa Ana and 3,000 Beds at Musick

DEIR 564 evaluates this alternative in full. Specifically, while 3,000 inmates would easily fit at the James A. Musick Facility, either with the addition of 3,000 beds to the existing 1,200+ beds, or with the 1,200 beds accommodated into the 3,000 beds (for an absolute increase of 1,800 beds), the problems at Santa Ana are more significant. The EIR documents that the alternative proposed by the Grand Jury would not accommodate 3,000 inmates on County-owned land, even using 10 or 11-story buildings.

The EIR notes that this alternative could have merit if it could be certain that both facilities would be approved by the Board of Supervisors. The Santa Ana facility cannot be expanded on County land beyond approximately 1,500 beds, and therefore, serious shortfalls would continue to occur. This alternative is rejected at this time as infeasible in terms of bringing on relief to the jail system in the short-term. However, if 3,000 beds of all classifications were established at Musick Jail, and 1,500 beds were established at the Santa Ana Jail, this would come close to the number of beds necessary by the year 2006. Since funding depends on a project's readiness to go, and since the County and the Sheriff have been subject to litigation for not bringing forward a feasible jail system at the proper size, this alternative is rejected at this time as incapable of bringing together the necessary capacity. However, if this alternative were to be combined with the long-term jail site study, and a site selected, shifts could occur in the future to carry out all or portions of this alternative.

Limit Expansion of Musick Jail to Complex 1 and Supporting Facilities

This alternative is rejected as not properly planning for the maximum utilization of the County's own resources in meeting the jail need problem. This is the "environmentally superior" alternative only in the sense that the physical environmental impacts are either not anticipated as a result of the project as proposed, or have been reduced to a level of insignificance by mitigation. Like the previous alternative, this alternative would allow for long-term studies. However, it also exposes the County to concerns and potential litigation for not having established sufficient siting of jail facilities to meet anticipated needs.

Establishment of 7,500 Plus Beds at the Musick Jail in High-Rise Buildings

This alternative is rejected as creating buildings that are radically different in aesthetic and visual character from the buildings that surround the project. If an airport is established at El Toro, buildings of this height would be unlikely to be compatible with future aviation uses. Impacts to agricultural lands would be reduced, but this particular building setting is so out of character with the area that it is considered infeasible.

Limitation of Classification of Inmates; Minimum and Medium Security; A Cap on Maximum Security Inmates

These on-site alternatives propose various limits on the classification of inmates and caps on maximum security inmates. This alternative does not add to the reduction of impacts to the physical environment, and does not bring on the necessary maximum security beds of the facility. As is documented in the EIR, maximum security beds remain the most significant need in the jail facility, regardless of the number of maximum security inmates. Therefore, this alternative is rejected due to problems caused in other facilities, and the lack of contribution to reductions in physical environmental impacts, and the inability to bring on the necessary number of maximum security beds by the year 2006.

Release of Maximum Security Inmates at the Intake and Release Center of Santa Ana

This alternative would increase daily bus trips for transporting released maximum security inmates to the IRC by 4 to 5 bus trips per day, an inconsequential increase. However, this alternative does not address any physical environmental impact. The EIR provides ample documentation that there is no public safety issue in releasing maximum security inmates in the vicinity of a jail. This alternative was evaluated because it was requested by certain commenters at the Scoping Meeting and has no effect on reduction to physical environmental effects. For this reason, it has been rejected.

Alternative Sites Within County

Purchase of Another Site/Sale of Musick Site

The EIR amply documents that the County does not have the funds or the practical ability to purchase another site other than the Musick site, and sell the Musick site. The response to the comments raised by Supervisor Marian Bergeson is also incorporated herein by reference for the proposition that the Bond Certificates of Participation and the restricted nature of the Musick site make infeasible the sale or trade of the Musick site, even if this is ostensibly legally possible. Furthermore, the County has insufficient funds to acquire another site, and this was a condition even prior to the County bankruptcy, and a basis for the County's abandonment of the Gypsum Canyon Jail site in 1991.

The Expansion at the Main Jail Complex in the City of Santa Ana

The Main Jail Complex in Santa Ana is quite challenged by parking and access considerations. Nonetheless, in terms of a jail facility, again, there is no environmental documentation nor are there design studies of this facility for this

alternative. That is not to say that these studies could not be initiated rapidly and accommodated on this site. However, even if these were, the demand for jail beds will continue to outstrip the supply. The Grand Jury Alternative EIR Analysis shows that minimal increases could be made at Santa Ana compared to what is needed. Acquisition of additional land would be necessary to accomplish a substantial increase, and this suffers from the same infeasibility as acquiring another site. This alternative will cause the same severe constraints in the system that the No Project Alternative would provide. Environmental problems, aside from traffic and parking, are not anticipated at the Santa Ana site.

Again, the jail's expansion needs dictate a shorter term planning and adoption process to enhance the opportunities for funding. Therefore, this alternative is rejected as infeasible at this time, but may be considered in the future.

Location of Jail Facilities at MCAS El Toro

This alternative is not rejected at this time, as it is premature for further discussion based on the early nature of plans for the base. However, this alternative is not considered feasible for accomplishment of the major goals of this project, which is to respond to emergency pressure on the jail system. The property at MCAS El Toro will not even be available to the County, at the earliest, for 2-½ years, and the Musick site is available presently. This aspect, alone, results in the Musick alternative being more readily available for a solution. The County may, in the future, seek to expand its jail system at El Toro, and this will be a decision of the Board of Supervisors, possibly as early as its decision in connection with the Reuse Plan.

Location of County Jail Facility at Tustin MCAS

This alternative has been rejected by the local redevelopment authority formally. The County has no ability to bring this alternative any closer to fruition, as the County does not have the authority over the disposition of land at Tustin. Therefore, this alternative is rejected as infeasible.

Location of Jail Facilities at All Five County Courthouse Facilities

The County studied this alternative in order to determine if there was sufficient land available to bring any jail facilities to reality in combination with courthouse facilities. The only courthouse facility that currently has available land is the South County Courthouse in Laguna Niguel. Approximately 60% of this site is available, but this site is very small in comparison to the amount of land necessary. Furthermore, the site is at varying grades and moreover, the South County

Courthouse facility is scheduled to be relocated, possibly to Rancho Santa Margarita or Aliso Viejo. Efforts to accomplish this relocation were suspended due to the bankruptcy. This alternative, if it were feasible, would act to reduce trips in the transportation system. However, it does not appear feasible at this time, and is, therefore, rejected as described in the EIR.

Remote Sites Outside of Orange County

This issue has been studied considerably by the County. The major handicap to the County pursuing any such alternative is the fact that the County has no jurisdictional power outside of Orange County, and there are no funds to bring such facilities on-line outside of Orange County. The County has evaluated this alternative in better financial times, and found that transportation costs were over eight times the transportation costs necessary for a local jail, not to speak of the practical difficulties in administering County Sheriff's personnel from a remote location.

This is not to say that one day this type of alternative will not be feasible. However, significant state law changes would be necessary to bring such an alternative on-line and reduce its substantial costs.

Furthermore, there are no empty beds available outside of Orange County in existing jail facilities of other counties, even if one were not to consider the impediments of transportation and staffing. San Diego County and Riverside County are on record with the County in this regard, and Los Angeles County is openly considering leasing their empty downtown Twin Towers Jail to other entities (such as the federal government), largely due to the fact that the federal government is able to pay substantially more per inmate for leasing the facilities than a county. Even if this were not true, the practical difficulties of what to do with inmates incarcerated at facilities outside of Orange County, when the host county wishes to use those facilities themselves, cannot be easily overcome. These problems can certainly not be overcome in a situation where the jail system is already in crisis.

Alternatives Rejected as Infeasible During the Draft EIR Preparation Process

The DEIR explains that there were several alternatives considered during the Draft EIR preparation process and rejected as not meriting further analysis. CEQA does not require exercises in futility, or the consideration of alternatives that are remote or speculative. Furthermore, CEQA does not require the consideration of alternatives that produce *more* environmental impacts than the proposed project, particularly when physical environmental impacts are considered. This is more fully explained in the Foreword to the Responses to Comments, which is incorporated herein by reference.

The 11 alternatives rejected as infeasible during the EIR preparation consist of the original Gypsum Canyon Jail site, several private parcels, a proposal to locate a jail in regional parks of the County, alternatives which would require major changes in existing laws and alternatives which require each city to shoulder housing pretrial and sentenced inmates arrested in that city. The implementation of most of these alternatives is outside of the hands of the County, as explained in the proposed Final EIR 564, the Foreword to the Responses to Comments and responses to individual comments. For example, the Gypsum Canyon site is not rejected solely because of opposition by the City of Anaheim, but this opposition is considered significant when it is a fact that the jail site is located in the municipal boundary of the City of Anaheim, the County abandoned its interest in the site in 1991, the landowner has sought and received significant entitlements (including a development agreement) and the County has not objected to the City's approval of these entitlements nor the annexation of the property to the City of Anaheim. All of these factors make infeasible the reconsideration of the Gypsum Canyon site. In addition, the Gypsum Canyon site possesses significant environmental features not found at the Musick Jail site, and which are documented in its own EIR as noted in the EIR.

Conflicts with major regional parks as a site include state laws, significant abandonment issues, conflicts with federal and state grants and the fact that most regional park sites have far greater environmental attributes than the proposed site.

The alternatives which require changes in state or federal laws or impositions on cities to incarcerate their own inmates are seen as outside of the legal control of the County of Orange.

Other alternatives considered in this section are considered infeasible for the reasons stated in the EIR. Therefore, the Board of Supervisors concurs with the EIR's findings concerning infeasibility of these sites as remote and speculative.

4. Findings of Fact

The Board of Supervisors has reviewed the proposed Final EIR prepared to evaluate the proposed project and has considered the public record on the project as earlier described in these findings.

These findings summarize the data and conclusions contained in the Draft EIR, the various response to comments and the administrative record. The Draft EIR, the various responses to comments and the administrative record are incorporated into these findings as set forth in full.

Consistent with the requirements of the CEQA Guidelines, the EIR for the proposed project (hereinafter "EIR"), discusses environmental effects in proportion to their severity and probability of occurrence. To that end, the EIR recognizes that certain areas of impact from the project are unlikely to occur, or if potentially occurring can be mitigated to a level of insignificance by

imposition of conditions to the project.

The EIR identified a number of potentially significant adverse effects to the physical environment as a result of the project. The EIR also identified mitigation measures that would reduce or eliminate potential adverse effects to a level of insignificance. Finally, this resolution and findings adopts certain mitigation measures that were suggested by commenters. These effects and the mitigation measures are summarized below.

All mitigation measures have been written as monitoring programs pursuant to *Public Resources Code* §21081.6. The drafting of these measures have been designed to ensure compliance during project implementation as explained further in the EIR. A mitigation monitoring program and checklist has been attached to this resolution.

These findings merely summarize data in the EIR administrative record for purposes of identifying the significant impacts and mitigation measures for the project. The Final EIR, with all referenced contents, is incorporated by reference into these findings as substantial evidence therefore as if set forth fully in the findings.

LANDFORM, SOILS AND GEOLOGY

Significant Effects

Qualified technical analysis, taken together with direct experience with the construction of other jail buildings in the County, reinforce the conclusion that there are no significant landform or geotechnical impacts at the subject site. The project will be subject to the final technical recommendations for construction techniques to be proposed by a qualified soils engineer and engineering geologist.

From the perspective of mapped land, there will be an absolute loss of 33 acres regardless of the implementation of the full Jail expansion plan. This impact cannot be offset and remains significant. In addition, if the County, despite its best efforts, is unable to obtain the 40-acre public benefit conveyance described in Mitigation Measure No. 1, above, the loss of land in cultivation on the Musick Jail site would remain significant.

Findings

Finding 1 - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

- 1. Prior to the issuance of construction bid documents for any permanent construction at the Musick Jail, the County shall cause to be prepared a final geotechnical report. This report shall be approved by the County's Planning and Development Services entity at that time as to content. Recommendations of the engineering geologist and soils engineer shall be incorporated into the project plans and specifications for the construction of the facility.*

Mitigation Measures Added

See *Land Use and Relevant Planning* section for additional agricultural land mitigation.

Prior to July 1, 1999, the County shall use all efforts to secure the conveyance of the 40 acres in the El Toro Reuse area to the Orange County Sheriff's Department for agricultural purposes. The Board of Supervisors, through the El Toro Master Development Program, shall insure that these lands, if made available by the Department of the Navy, will inure to the benefit of the Sheriff's Department for agricultural purposes.

For purposes of this mitigation measure, the conveyance of these lands may occur in staged increments commensurate with the expansion of the jail, laundry, or Sheriff's station, so long as the amount of agricultural land lost on the jail site is offset by an equal or greater amount of land acquired for agricultural purposes in the immediate area. The County shall devote the conveyance lands to agriculture for the life of this jail project.

This measure is to be overseen by the Board of supervisors.

Mitigation Measures Recited in DEIR 564 But Not Incorporated

Loss of mapped agricultural land, and also to cultivated land if the 40 acre public benefit conveyance is not realized.

Effects Not Mitigated to a Level of Insignificance

None.

AIR QUALITY

Significant Effects

The following is a summary of significant effects to air quality prior to mitigation.

Potential air quality impacts associated with the jail expansion and operation fall into two areas: short-term impacts and long-term impacts.

Short-term air quality impacts will occur as a result of exhaust emissions from construction activities (including fugitive dust emissions and transport of workers, machinery and construction supplies).

This project will have significant contributions of NO_x after Phase I jail implementation. There is also a temporary cumulative significant effect in the area of particulates (PM10) for the elevated particulate generation during construction, especially grading operations.

Operational emissions (long-term) are those associated with the change in permanent use of the project area. The project will not exceed emission thresholds established by the SCAQMD when mitigation measures are considered. Additionally, there will be no CO "hot spots" generated by the project.

The project, in its unmitigated state, shows that the proposed project exceeds the SCAQMD emissions threshold for NO_x. As explained in the Responses to Comments, this threshold exceedance is very small for this project (0.047% of County emissions).

Findings

Finding 1 - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

2. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors use low emission mobile construction equipment, where feasible.*
3. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that the project specifications require the contractors to comply with SCAQMD Rule 2202.*
4. *At the time that project grading and construction jobs are bid, the Director of Public Works*

shall ensure that project specifications require that contractors water the graded sites and that equipment is cleaned morning and evening.

5. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors wash off trucks leaving the site.*
6. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors spread soil binders on graded sites, unpaved roads and parking areas.*
7. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that chemical soil stabilizers are applied by contractors according to manufacturer's specifications to all inactive construction areas (previously graded areas which remain inactive for 96 hours).*
8. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that ground cover planting be established on the construction site by contractors through seeding and watering on portions of the site that will not be disturbed for lengthy periods (such as two months or more).*
9. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require the contractor to sweep streets if silt is carried over to adjacent public thoroughfares. This measure prevent emissions rather than reduce emissions.*
10. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to limit traffic speeds on all unpaved road surfaces to 15 miles per hour or less.*
11. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to suspend grading operations during first and second stage smog alerts.*
12. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.*
13. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors maintain construction equipment engines by keeping them tuned.*

14. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors use low sulfur fuel for stationary construction equipment.*
15. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors provide on-site power sources during the early stages of the project to minimize or eliminate the use of portable generators.*
16. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require that contractors utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.*
17. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to use low emission on-site stationary equipment (e.g., clean fuels).*
18. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to configure construction parking to minimize traffic interference.*
19. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to minimize obstruction of through-traffic lanes.*
20. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to provide a flagperson to properly guide traffic and ensure safety at construction sites.*
21. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to schedule operations affecting traffic for off-peak hours, where feasible.*
22. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service).*
23. *At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require bicycle lanes are provided on adjacent arterial*

highways; and that bicycle storage areas, bicycle amenities, and efficient parking management techniques are incorporated in the plans.

24. *At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications provide dedicated turn lanes as appropriate.*
25. *At the time of occupancy of the first inmate housing complex, the Sheriff's Department shall establish a Transportation Management Association (TMA) or participate in the Spectrum TMA, to create incentives for employees to rideshare.*
26. *At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require contractors to install energy efficient street lighting.*
27. *At the time that final construction plans are developed, the Director of Public Works shall ensure that project specifications require contractors to introduce window glazing, wall insulation, and efficient ventilation.*
28. *At the time any off-street parking lot or garage is opened for use, the Sheriff's Department shall ensure that preferential parking spaces are provided to high occupancy vehicles.*
29. *At the time that final construction plans for the Alton Parkway signalized entrance are prepared, the Director of Public Works shall ensure that project specifications require that bus-turn aprons are located on each side of Alton Parkway and bus-shelters are provided. The County of Orange will cooperate with OCTA in designing bus shelters for the jail which match as much as possible the bus shelters in Irvine Spectrum. These efforts shall take place prior to the occupation of the first jail building, and will be supervised by Environmental Management Agency or its successor agency.*

Mitigation Measures Added

None. However, #29 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

This project will have significant contributions of NO_x after Phase I jail implementation. There is also a temporary cumulative significant effect in the area of particulates (PM10) for the elevated particulate generation during construction, especially grading operations.

HYDROLOGY

Significant Impacts

The proposed project will not result in any long-term significant impacts to hydrology, and short-term impacts are resolved by a mitigation measure. The Alton Parkway project will resolve the 100-year flood plan issue, and the flood control improvements thereby necessary are associated with that project, and not the jail.

Mitigation Measures

30. *Prior to commencement of grading, applicant shall submit for approval of the Manager, Development Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on-site to control predictable pollutant runoff.*

This WQMP shall identify the structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan Appendix which details implementation of BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities, and shall reference the location(s) of structural BMPs. The SWPPP shall be prepared for construction activities and shall be consistent with Regional Water Quality Control Board NPDES Permit No. CAS618030.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

AESTHETICS

Significant Effects

DEIR 564 documents the extremely limited visual impacts from the site as it currently exists, and as it will appear in the future. The only new viewsheds opened are those available from Alton Parkway as it is opened to serve the jail. The views from residences are interrupted by a distance of over 1,200 feet, different grades, and future buildings. The site is located adjacent to two industrial parks, and design themes and maskings will be similar to those for the immediate surrounding area.

Nonetheless, mitigation measures were included in DEIR 564 — and added to in Responses to Comments — which reinforce the County's interest in aesthetic compatibility.

Findings

Finding 1 - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

31. *Prior to the approval of construction bid documents for any permanent building at the Musick Jail, a landscape plan shall be prepared by a licensed landscape architect. While landscaping is to be installed in recognition of sound security practice, visual buffering shall be installed where not inconsistent with security practice.*
32. *All new buildings at the Musick Jail visible to the public off-site shall be constructed with the office-appearing facade. Individual buildings should be one single color with an overall neutral monochromatic color scheme for the site. Roof designs should be non-distinctive forms in neutral colors. Exterior mechanical equipment should be screened from off-site views, and equipment screening should be fully integrated into the architectural design of the building.*
33. *Prior to or concurrent with the construction of the first complex, a 12-foot block wall will be constructed along Alton Parkway inside the perimeter landscaping to conceal the "First Defense" fence. The design shall be reviewed by the Director, Planning and Development Services, and shall not interfere with the security of the facility.*
- 33a. *Perimeter signs for the jail shall be fully limited to simple identification and regulatory and directional signage, all in accordance with a comprehensive sign program to be developed and approved by Environmental Management Agency or its successor agency prior to the occupation of the first jail building.*

Mitigation Measures Added

#33a is added, and #32 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

NOISE

Significant Impacts

The project will result in short-term noise impacts associated with construction activities. The project will not result in any significant long-term noise impacts. In fact, the elimination of loudspeakers currently at the site will reduce noise. Traffic contribution is too small to alter noise levels significantly.

Findings

Finding 1 - Changes or alterations had been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

34. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors to comply with the County of Orange Noise Ordinances and standard conditions of approval. This will result in restricting the hours and days of construction per the local ordinance. The perimeter walls shall be fully integrated into the architectural design of the buildings and of the same or similar materials and color.*
35. *If any on-site public address systems, bells, or other audible signal systems are used in new buildings, they should be designed to be inaudible in the adjacent residential areas or prohibited. If any such devices are included in the project, the Director of Public Works shall ensure that project specifications require installation to comply with the requirements of Orange County Noise Ordinance, except for emergency warning devices.*

36. *At the time that project grading and construction jobs are bid, the Director of Public Works shall ensure that final plans require that ingress and egress should be taken only on arterial highways or industrial collector streets and should not utilize any residential streets. This includes service vehicles as well as all other jail traffic.*
37. *At the time that project construction jobs are bid, the Director of Public Works shall ensure that project specifications require contractors install mechanical equipment, including the Central Plant, to conform to the requirements of the Orange County Noise Ordinance.*
38. *At the time of final construction plan development, the Director of Public Works shall ensure that plan specifications require that interior noise levels including noise sensitive interior areas (per the County of Orange General Plan Noise Element) shall comply with County standards.*
39. *Prior to establishing the Interim Care Facility at this site, the County of Orange Health Care Agency shall determine whether the noise environment is acceptable with the therapeutic mission undertaken at this facility.*

Mitigation Measures Added

None. However, #34 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

BIOLOGICAL RESOURCES

The project is located on a site which has been developed and formed for many years, and no longer possesses biological resources of significance. A highly disturbed riparian area exists on-site and is invaded with exotics. It, together with Borrego work improvements, eliminates the riparian within the site and in the right-of-way for Alton Parkway, as documented in the FCPP EIR.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which

avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

40. *Prior to the construction of any portion of Alton Parkway affecting wetlands in Borrego Wash, the County of Orange shall enter into a Streambed Alteration Agreement with the California Department of Fish & Game and obtain any necessary federal authorization. This agreement will call for the compensation of wetland losses through off-site habitat creation or participation in a wetlands credit bank. If determined necessary by the Department of Fish and Game, the small vegetated area at southwest corner of the site will also be mitigated.*

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Significance

None.

LIGHT AND GLARE

The project will not create any unusual lighting conditions, and lighting for the new buildings will be as currently installed compatible with street lighting. Lighting rays will be confined to the direct premises to reduce any potential for light and glare impacts. No shadow effects will result.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

41. *Prior to the issuance of construction bid documents for exterior electrical fixtures, the County Planning and Development Services Department shall ensure that lighting rays are confined to the areas surrounding buildings. To the extent possible, on-site perimeter lighting and parking lot parking structure lighting should be consistent in height, spacing, color and type of fixture.*

Mitigation Measures Added

None. However, #41 is revised.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

LAND USE AND RELEVANT PLANNING

Significant Impacts

As documented in the EIR and in the separate resolution pertaining to zoning consistency, there are no impacts to land use or relevant planning. Neither the General Plan of the City of Irvine or the City of Lake Forest discuss the jail site, although the County General Plan recognizes it. Compliance with the Part 77 regulation guidance is foreseeable, and the proposed Final EIR demonstrates that there will be no individual or cumulative effects on the NCCP or agricultural soils.

Findings

Finding 1 - Changes or alterations had been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

42. *In connection with the adoption of zoning regulations for the Reuse Plan area, the County of Orange shall prohibit bail bondsmen and sexually oriented businesses from the "Open*

Space/Institutional" and "Education/Institutional" areas adjacent to the jail as shown on Figure 5-2 of the Reuse Plan EIR.

- 42a. *To the extent permitted by California and constitutional law, medium and maximum security inmates shall make their court appearances from the facility using video appearances.*
- 43. *If the City of Irvine or the City of Lake Forest finds that there is a potential for undesirable uses to establish in their cities as a result of the jail expansion, these cities can and should zone their territory to prohibit such uses.*

Note: Pursuant to CEQA Guidelines §15091(a)(2), this measure is within the responsibility and jurisdiction of another public agency, and not the County of Orange.

- 43a. *Prior to the commencement of construction of any buildings shown for the site, the County of Orange shall record a restriction or other restrictive covenant against the 22+ acre buffer area which prevents construction of any non-agriculturally related buildings, and preserves this area as a buffer.*
- 44. *Prior to the commencement of grading for the project, the County of Orange shall give notice of proposed construction to the Federal Aviation Administration (FAA) pursuant to FAR Part 77. At that time, notice shall be given to any other agency that may have jurisdiction or review authority at that future time.*
- 44a. *The County of Orange shall insure that "walk-aways" from the Interim Care Facility, if established at this site, are promptly returned.*
- 44b. *Prior to the occupation of the first new jail building at the Musick Jail, the County shall open to operation the Sheriff's Southeast Station at the site.*
- 44c. *Prior to the occupancy of the first jail building, the "First Defense" fence or equivalent shall be constructed to the extent necessary for that phase of project implementation.*

Mitigation Measures Added

#s 42a, 43a, 44a, 44b and 44c are added.

Mitigation Measures from DEIR 564 Not Included

None. However, as to #43, this measure is the responsibility and within the jurisdiction of other public agencies.

Effects Not Mitigated to a Level of Insignificance

None.

PUBLIC SAFETY

Significant Impacts

Based on the evidence presented in Final EIR 564, the project will not result in any significant impacts to public safety. None of the crime events in the vicinity of the County jails has been documented as related to recently released inmates or visitors. As discussed in the Social and Economic Effects discussion in the Foreword to the Responses to Comments, CEQA does not require further analysis unless the evidence shows a chain of causes leading to a physical effect on the environment, which is not found here.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

None.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

TRANSPORTATION, CIRCULATION AND PARKING

Significant Impacts

The project will result in an increase of vehicular trips associated with the jail operations (e.g., staff, deliveries, inmate bus transportation and visitors). The total increase due to the expansion will be 4,253 trips. For the Interim conditions, the project would measurably contribute traffic impacts to two deficient highway links including Alton Parkway south of Muirlands and Alton Parkway north of Muirlands. Alton Parkway south of Muirlands would be deficient, and therefore require mitigation, with or without the Project; and the mitigation measure required for the No Project condition (i.e., add stripe an additional travel lane) would mitigate the Project contribution also. Therefore, the Project (without the El Toro CRP) would have a cumulative adverse impact on one highway link, Alton Parkway north of Muirlands, before mitigation. The El Toro CRP would increase the deficient condition on both these links and require mitigation with or without the Project.

In the long-range No Project condition, seventeen highway links in the study area would operate at deficient levels without further mitigation. The Project (without the El Toro CRP) would contribute measurable traffic to two additional links, which would be deficient only due to the Project including Irvine Blvd. east of Alton Parkway and Bake Parkway north of Jeronimo. The El Toro CRP would increase the deficient condition on both these links and require mitigation with or without the Project. Mitigation measures are presented to ensure that impacts associated with the increased parking demand will be mitigated.

Findings

Finding 1 - Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

45. *Prior to or concurrent with the occupancy of the first phase of the project, the Director of Public Works shall cause to be constructed or installed:*
 - a. *Two south-bound left-turn lanes and one west-bound right-turn lane at the intersection of Alton Parkway and Irvine Blvd.*
 - b. *A traffic signal at the Alton Parkway project entrance to Complexes 1 and 2.*
46. *Prior to or concurrent with the occupancy of the last phase of the project, the Director of Public Works shall negotiate agreements with the Cities of Irvine and Lake Forest, as applicable, to ensure that the County provides the project's pro rata share of the costs of the*

following improvements:

- a. *Alton Parkway/Irvine Blvd: Convert the 3rd northbound through lane to a shared through lane/right-turn lane.*
 - b. *Musick Dr./Irvine Blvd: Add a northbound right-turn lane.*
 - c. *Bake Pkwy./Irvine Blvd: Add a northbound right-turn lane, and convert the 3rd northbound through lane to a shared through/right-turn lane.*
 - d. *Bake Pkwy./Jeronimo: Provide an eastbound right-turn overlap signal phase.*
47. *Prior to commencement of any highway improvements required by mitigation measures herein which are located within or adjacent to City boundaries, the Director of Public Works shall work with appropriate City agencies to ensure the operational feasibility or recommended mitigation measures.*
48. *Upon adoption of a Road Fee Program by the Board of Supervisors which includes the project site, the County shall pay the pro rata fee attributable to each project phase, or provide credits, prior to commencement of construction of the phase as required for the Musick Jail project under the Road Fee Program.*
49. *Prior to or concurrent with the opening of the Alton Parkway entrance to employee and visitor access, the Director of Public Works shall ensure that project specifications require that contractors install bus aprons on the northerly and southerly sides of Alton Parkway in a manner meeting the requirements of the OCTA, and a sidewalk is constructed along the southerly side of Alton Parkway from Irvine Blvd. to the project entrance on Alton Parkway, and along the project entry drive to the visitor entrance.*
50. *Prior to or concurrent with occupancy of each project phase, the Sheriff's Department shall ensure that sufficient parking spaces to meet the peak hour demand forecasted for that phase. The following summarizes the peak hour parking spaces required for each complex as analyzed herein:*
- *Complex 1 and ancillary buildings: 580 off-street parking spaces*
 - *Sheriff's Station and ICF: 235 parking spaces*
 - *Complex 2: 375 parking spaces*
 - *Complex 3: 530 parking spaces*
- 50a. *No parking will be allowed on Alton Parkway. So long as the segment of Alton Parkway in the vicinity of the jail is under County jurisdiction, the Orange County Sheriff will enforce this measure.*

Mitigation Measures Added

Mitigation Measure #50a is added.

The following mitigation measures are added from the recirculated portions of EIR 564 as numbered in the Inventory of Mitigation Measures for Recirculated Provisions beginning on page 64 therein:

2. Prior to the full implementation of Phase I of the Jail expansion, the Director, Public Facilities and Resources Department shall enter into an agreement with the City of Irvine to design and complete improvements required to Alton Parkway south of Muirlands and north of Muirlands including the payment of the fair share costs of the Project. If agreement by the City is unreasonably withheld, the County shall complete these improvements which are within its authority to complete.

3. Prior to the full implementation of Phase III of the Jail expansion, the Director, Public Facilities and Resources shall enter into an agreement with the City of Irvine to design and complete improvements required to Alton Parkway south of Rockfield and north of Muirlands including the payment of the fair share costs of the Project. If agreement by the City is unreasonably withheld, the County shall complete these improvements which are within its authority to complete.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

Impacts to four arterial links within the arterial highway system is the long-range condition.

PUBLIC SERVICES AND FACILITIES

Significant Impacts

DEIR 564 documents that there are no unmitigatable adverse environmental impacts as a result of this project. However, as with many public and private projects, coordination with service-providing agencies during the design and implementation of the project is necessary to ensure that jurisdictional requirements are met. Mitigation measures are included to ensure that this occurs, especially with respect to IRWD and OCFA. In particular, the DEIR notes that only up to 2,850 additional inmates can be accommodated from a sewer service standpoint until IRWD installs further facilities. This is not an impact per se, because sewer hookups cannot occur without IRWD consent.

The Superior Court required clarification of mitigation in the area of public services, and the recirculated document defines said mitigation. The potential impacts to emergency services have been reduced to a level of insignificance by the mitigation measures added.

Findings

Finding 1 - Changes or alterations had been required in or incorporated into the project which avoid or substantially lessen many of the significant environmental effects as identified in the EIR.

Mitigation Measures

51. *Prior to commencement of any construction activities, the County of Orange shall coordinate with the Southern California Edison, Southern California Gas, Pacific Bell, Irvine Ranch Water District, and Orange County Fire Authority regarding any construction activities to ensure existing facilities are protected and any necessary expansion or relocation is planned and scheduled in consultation with the appropriate public agencies.*
- 51a. *Prior to the commencement of construction of any jail building, the "Agreement for Acquisition of Potable Water Service from Irvine Ranch Water District for James A. Musick Facility" must be amended or replaced. This agreement allows for capacity in IRWD facilities to enable delivery of 0.27 cubic feet per second (cfs) of domestic water. The expansion and increased demand will require the agreement either be amended or replaced by a new agreement to reflect the expansion of the site, including project phasing and the payment of appropriate "fair share" capacity charges. As the project becomes clarified in terms of expansion plans, contact IRWD so that the appropriate service agreement can be drafted. Plans will be submitted to the development services section of IRWD for review and approval as soon as they become available.*
- 51b. *At the time of the review of the "Agreement for Acquisition of Potable Water Service" each water use will be evaluated and IRWD will determine whether it will furnish potable or nonpotable water for the designated purpose.*
- 51c. *Prior to the commencement of jail construction exceeding 2,850 inmates or that equivalent, an amendment of the "Agreement for Acquisition of Interim and Permanent Sewer Service" for the Musick facility shall be negotiated with IRWD, and shall outline the costs for the use of existing sewers, potential future sewer improvements, and treatment and disposal capacity.*

Mitigation Measures Added

Mitigation measure #51 is revised, and #s 51a, 51b and 51c have been added.

Prior to the full implementation of Phase I of the Jail expansion, and prior to the construction of each phase thereafter, the County Sheriff-Coroner shall present evidence to the county Executive Officer that the Orange County Health Care Agency or other qualified provider has provided onsite medical services sufficient to reduce the need for paramedic calls to the Musick Jail facility. the Orange county Fire Authority shall concur in this determination in writing.

Prior to construction, the County of Orange shall coordinate with the Orange County Fire Authority regarding construction requirements to ensure fire safety and regarding demand, if any, for emergency medical services to ensure adequate provisions for life safety.

Prior to completion of each phase of construction, the Orange county Sheriff-Coroner shall coordinate with the City of Lake Forest regarding law enforcement requirements to ensure adequate law enforcement protection for that jurisdiction.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

SOCIOECONOMICS

Significant Impacts

A complete economic impact analysis was conducted which evaluated potential impacts of the jail on residential and non-residential values in the study area. The study concluded that the perception that any change to the existing jail somehow represents a significant economic threat to the immediate surrounding area is simply without basis. As significant impacts would not occur, mitigation measures are not recommended. No significant adverse impacts in the area of socioeconomics are anticipated, nor are physical effects on the environment expected.

The perception of socioeconomic effects, unsupported by substantial evidence, does not change the EIR's conclusions. The EIR conclusions are based on substantial evidence, whereas the mere expression of commenters' fears concerning impacts in this area lacks such evidence. The Social and Economic Effects discussion in the Foreword to the Responses to Comments explains the Board's position on CEQA in this regard.

Findings

No significant effects.

Mitigation Measures

None.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

PROJECT CONSTRUCTION EFFECTS**Significant Impacts**

The construction of the proposed expansion will result in short-term impacts such as construction noise, dust, construction-related traffic and visual differences due to the partially constructed nature of buildings during development. Impacts associated with the construction of the jail expansion are short-term and not considered significant.

Findings

No significant effects.

Mitigation Measures

None.

Mitigation Measures Added

None.

Mitigation Measures from DEIR 564 Not Included

None.

Effects Not Mitigated to a Level of Insignificance

None.

HAZARDOUS MATERIALS ASSESSMENT

Significant Effects

No significant effects were found. There was a suggestion of possible areas of concern related to demolition of buildings and remediation of fuel storage tanks, but these remediations are highly regulated activities wherein the precautions against public risk are incorporated into the remediation.

Several commenters expressed concern regarding groundwater contamination. This is also not an adverse effect for several reasons. First, groundwater is far below the surface and not mined for the jail. Secondly, to the extent it is polluted from off-site sources, it affects only that portion of the Alton Parkway extension — *not* associated with this project. Finally, remediation by the Department of the Navy for the off-site condition is being commenced next year.

The above reasons, together with the mitigation measure, justify the finding of no significant impact.

Mitigation Measures

52. *Prior to the construction of any buildings on the Musick site, a further environmental site assessment shall be conducted to confirm the absence of agricultural chemicals in significant amounts, the absence of asbestos in buildings, and the absence of any environmental risks from the transformers.*

Mitigation Measures Added

None.